

MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD

October 14, 2021

The West Virginia Contractor Licensing Board met on October 14, 2021, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Room 124 – Charleston, West Virginia.

BOARD MEMBERS PRESENT

Jacob Meck, Chair
Manny Alvarez
Ted Brady
Mary Cleland
Michael Davis
Amy Fairman
Frank R. Ferguson
James M. Noel
Charles K. Smith

BOARD MEMBERS ABSENT

Steven Solomon

OTHERS PRESENT

Mitchell E. Woodrum, Commissioner
Brooke M. Farber Esq., Deputy Commissioner
Kathy Rucker, Labor Programs Manager
Brian White, Labor Programs Manager
Kimberly Legg, Board Secretary

MEETING CALLED TO ORDER

A quorum being present, Mr. Meck called the meeting to order at 9:01 a.m. A fire drill delayed the meeting until 9:21.

APPROVAL OF AGENDA

Mr. Brady made a motion to approve the agenda of the October 14, 2021 board meeting. Mr. Noel seconded. Motion carried.

APPROVAL OF MINUTES

Mr. Smith made a motion to approve the minutes of the June 30, 2021 board meeting. Mr. Alvarez seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

LICENSEE DISCIPLINARY HEARINGS

A. Thomas Builders, Inc. DBA Thomas Brothers Construction, Inc. – Niota, TN – WV036587 (Continuing to hire unlicensed subcontractors)

Ms. Farber explained to the Board regarding Thomas Builders, Inc. Attorney Sonny Johnson appeared on behalf of the company and explained their position.

Mr. Smith made a motion to take no action against Thomas Builders, Inc.; however, should future violations occur, the company may be required to submit a monthly list of all construction projects in West Virginia and all subcontractors and subsequent tier contractors hired to work on those projects. Mr. Ferguson seconded. Motion carried.

B. A&G Construction – Winifrede, WV – WV045662 (Kanawha County Magistrate Court judgment in the amount of \$10,000.00, plus court costs and interest)

Ms. Farber explained to the Board regarding A&G Construction. Consumer Karen Wendell appeared and owner Gregory Brewer appeared on behalf of A&G Construction.

Mr. Alvarez made a motion to give the company thirty (30) days to satisfy the judgment and submit proof to the Board or license will be suspended. Mr. Brady seconded. Motion carried.

C. DK Construction, LLC – Fairmont, WV – WV045806 (Monongalia County Circuit Court judgment against DK Plumbing, LLC in the amount of \$55,518.39, plus interest)

Ms. Farber explained to the Board regarding DK Construction, Inc. and DK Plumbing, LLC. Mr. Brady made a motion to suspend the license DK Construction, Inc., until the judgment against D K Plumbing, LLC has been satisfied, pending Ms. Farber's research into common ownership. Mr. Smith seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

Mr. Smith made a motion to accept staff recommendations. Mr. Brady seconded. Motion carried.

B. \$200.00 Fines

Mr. Smith made a motion for staff to send a letter to Home Advisors/Networx regarding West Virginia Contractor Licensing requirements. Ms. Fairman seconded. Motion carried.

Mr. Smith made a motion to accept staff recommendations. Mr. Alvarez seconded. Motion carried.

C. \$500.00 Fines

Mr. Brady made a motion to accept staff recommendations. Mr. Alvarez seconded. Motion carried.

D. \$1,000.00 Fines

Ms. Rucker updated the Board regarding Over the Top Roofing, LLC. All criminal cases filed by the State will be put on hold and the owner will be prosecuted on the federal level.

Mr. Brady made a motion to accept staff recommendations. Mr. Alvarez seconded. Motion carried.

APPROVAL OF DIVISION OF LABOR PAYROLL REIMBURSEMENT INVOICE

Mr. Woodrum presented the FY 2022 1st Quarter Financial Report and Payroll Reimbursement Invoice to the Board for approval.

Mr. Alvarez made a motion to approve the reimbursement invoice. Mr. Brady seconded. Motion carried.

Ms. Farber advised the Board that the Auditor's Office seminar for Chapter 30 boards has been canceled but she will notify the Board when a date has been scheduled.

DOL REPORT

- A report was provided to the Board on Advisory Letters sent to prime contractors for hiring unlicensed subcontractors.
- Mr. Woodrum presented the new Contractor Licensing Board logo and seal to the Board for review.

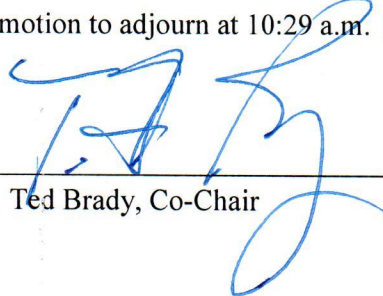
NEXT MEETING DATE

January 6, 2022

ADJOURNMENT

Mr. Noel made a motion to adjourn at 10:29 a.m. Mr. Alvarez seconded. Motion carried.

Approved:



Ted Brady, Co-Chair